

Solid Waste, Rodents and Zoonotic Disease Program
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Public Health 
Seattle & King County

MEMORANDUM

DATE February 8, 2016

RE Inspection Summary and Regulatory Issues @15753 SE Renton Issaquah Road, Renton WA 98059;
Parcel # 0638100031; (aka: Chuck Fillon Property)

An inspection took place at the Fillon property on February 3, 2016. Mr. Fillon requested a meeting after receiving a Notice of Violation from Public Health Seattle-King County in regards to solid waste disposal violations at his property. Darcy Webber and Leonard Di Toro performed a walk-through of Mr. Fillon's property with his escort. The following is a summary of regulatory violations, supporting photos and pertinent definitions under the King County Board of Health (BOH) and the Washington Administrative Code (WAC).

Pertinent Definitions from BOH and WAC

"Composted material" means organic solid waste that has undergone biological degradation and transformation under controlled conditions designed to promote aerobic decomposition at a solid waste facility in compliance with the requirements of this chapter. Composting is a form of organic material recycling. Natural decay of organic solid waste under uncontrolled conditions does not result in composted material.

"Composting" means the biological degradation and transformation of organic solid waste under controlled conditions designed to promote aerobic decomposition. Natural decay of organic solid waste under uncontrolled conditions is not composting.

"Demolition waste" means solid waste, largely inert waste, resulting from the demolition or razing of buildings, roads and other manmade structures. Demolition waste consists of, but is not limited to, concrete, brick, bituminous concrete, wood and masonry, composition roofing and roofing paper, steel, and minor amounts of other metals like copper. Plaster (i.e. sheet rock or plaster board) or any other material, other than wood, that is likely to produce gases or a leachate during the decomposition process and asbestos wastes are not considered to be demolition waste.

"Landfill" means a disposal facility or part of a facility at which solid waste is permanently placed in or on land including facilities that use solid waste as a component of fill.

"Pile" means any non-contaminated accumulation of solid waste that is used for treatment or storage.

"Processing" means an operation to convert a solid waste into a useful product or to prepare it for disposal.

"Solid waste" or "wastes" means all putrescible and non-putrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, contaminated soils and contaminated dredged material, and recyclable materials.

"Solid waste handling" means the management, storage, collection, transportation, treatment, use, processing or final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from such wastes or the conversion of the energy in such wastes

to more useful forms or combinations thereof.

Observations and definition of the property/ operation: Mr. Fillon has described his property and operations as "composting," "material recovery," and "waste reduction and recycling." The actual wastes observed during the inspection, and the wastes collected and processed, as stated by Mr. Fillon, do not meet any definition or criteria for compost or waste recycling. Additionally there is no indication that this material is leaving the property, other than a small amount of scrap metals. Mr. Fillon's property can only be termed as a "landfill" and "piles" facility. If this were a permitted facility it would be inspected and enforced under the appropriate codes of BOH Title 10, and WAC 173-350 Solid Waste Handling Standards. The collection, acceptance and storage of bulk paints (Figure 3) may also categorize his facility as a Moderate Risk Waste facility under WAC 173-350-360.

Wastes collected, stored, and piled at this facility include, but are not limited to: abandoned vehicles and vehicle parts (Figures 4-9); appliances and appliance parts; construction and demolition wastes such as wood, drywall, insulation, concrete, metal supports, roofing materials (Figure 12), carpet; discarded plastic, metal, and glass containers that contained food, chemicals, paints, and other liquid materials; bulk paints in containers; numerous discarded hot tubs; household wastes such as mattresses, furniture, CDs and DVDs, toys; yard waste, sod and soil waste, and various other materials made of wood, plastics and metals (Figures 10-11). Mr. Fillon attempts to do some sorting, and has some separate designated areas for tires, wood, and mattresses, but the bulk of the materials is mixed together into the piles, which he terms "compost." Although unlawful at this location, Mr. Fillon lacks the equipment, space, covered buildings, concrete padding, and manpower to conduct true sorting of materials for recycling, recovery or composting.

If we had to put a number on how much waste is accumulated at this property, it would be approximately 10 acres at an average depth of about 5 ft, about 81,000 cubic yards of waste, enough to fill over 8,100 ten cubic yard dump trucks. This does not include the depth of potential soil contamination beneath the waste.

Title 10 BOH: 10.11.020 Solid waste dumping prohibited. It is unlawful for any person to dump or deposit or permit the dumping or depositing of any solid waste onto or under the surface of the ground or into the waters of this State, except at a solid waste disposal site for which there is a valid permit . . .

Observations: Mr. Fillon stated that he accepts customers at his property who pay to tip solid waste, construction and demolition debris, and yard waste into "piles" on his property. Mr. Fillon had a sign at the beginning of his driveway to let customers know he is not accepting loads at that time (Figure 1). This property is not a permitted solid waste handling facility or disposal site. Those "customers" who tip their waste on this property are violators of Title 10.11 BOH Unlawful Dumping. Mr. Fillon is also in violation of this code for permitting the unlawful dumping.

Regulations violated under WAC 173-350 include, but are not limited to:

- 173-350-025 Owner responsibilities for solid waste
- 173-350-040 Performance standards
- 173-350-210 Recycling
- 173-350-350 Waste tire storage and transportation
- 173-350-360 Moderate Risk Waste Handling
- 173-350-400 Limited purpose landfills
- 173-350-500 Groundwater monitoring
- 173-350-600 Financial assurance requirements
- 173-350-700 Permits and local ordinances

All violations of the above are subject to state penalties under RCW 70.95 and BOH Title 10

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Other regulations violated, but not limited to:

173-300 Certification of operators of solid waste incinerator and landfill facilities

WAC173-350-025: Owner responsibilities for solid waste. The owner, operator, or occupant of any premise, business establishment, or industry shall be responsible for the satisfactory and legal arrangement for the solid waste handling of all solid waste generated or accumulated by them on the property.

Observations: Mr. Fillon, by his own admission, is not operating a permitted facility and verbally acknowledged that he is violating zoning laws for commercial and solid waste land use. He admits to accepting tipping fees from customers, and that he would eventually like to sell his "compost" material.

WAC173-350-040: Performance standards. The owner or operator of all solid waste facilities subject to this chapter shall:

- (1) Design, construct, operate, and close all facilities in a manner that does not pose a threat to human health or the environment;
- (2) Comply with chapter [90.48](#) RCW, Water pollution control and implementing regulations, including chapter [173-200](#) WAC, Water quality standards for groundwaters of the state of Washington;
- (3) Conform to the approved local comprehensive solid waste management plan prepared in accordance with chapter [70.95](#) RCW, Solid waste management—Reduction and recycling, and/or the local hazardous waste management plan prepared in accordance with chapter [70.105](#) RCW, Hazardous waste management;
- (4) Not cause any violation of emission standards or ambient air quality standards at the property boundary of any facility and comply with chapter [70.94](#) RCW, Washington Clean Air Act; and
- (5) Comply with all other applicable local, state, and federal laws and regulations.

Observations: During the inspection, it was observed that Mr. Fillon has no controls to protect soil, surface water or ground water from contamination: all wastes were open to the elements, and his property is composed of slopes and piles. Essentially, precipitation is saturating the solid wastes and running off the wastes. We observed run off from the property onto the property access driveway and into a culvert which eventually discharges into May Creek (Figures 13-14). There is an adjacent property with pastured horses downslope from his property and the piles of waste. We inquired of Mr. Fillon if he has any environmental controls in place, and he said he does not. He stated that he has done soil and water sampling and the samples have been clean. He said he has done more recent sampling and said he would share those results with Public Health when they are complete. He also invited Public Health and agencies selected by Public Health to do their own sampling on his property, as he believes sampling will prove that there is no environmental contamination originating from his property.

WAC173-350-210 Recycling.

Observations: Mr. Fillon often referred to his operations as a "recycling" and "waste reduction" facility. To meet this definition and be permitted as a recycling facility, he would have to meet the performance standard of "accept(ing) only source separated solid waste for the purpose of recycling," as well as comply with other parts of this standard. Mr. Fillon does not appear to discriminate or restrict the types of materials brought onto his property, and accepts mixed wastes that are not source separated.

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WAC173-350-220 Composting facilities.

Observations: Mr. Fillon does not meet the definition of composting for this regulation to apply "Natural decay of organic solid waste under uncontrolled conditions does not result in composted material." Mr. Fillon would have to restrict the source of materials to organic solid waste, and have an end product that meets strict testing standards under the Testing Parameters in Table 220-B, in order to deem the end product compost and not solid waste. Mr. Fillon has none of these controls in place, and does not discriminate in what wastes he accepts. All waste on this property, no matter how decayed, would be deemed "solid waste," and only fit for a permitted, municipal solid waste landfill.

WAC173-350-310(2)(b)(ii) Intermediate solid waste handling facilities: Permit exempt material recovery facilities shall... accept only source separated recyclable materials and dispose of an incidental and accidental residual not to exceed five percent of the total waste received, by weight per year, or ten percent by weight per load.

Observation: Mr. Fillon does not accept source separated recyclable materials, therefore he does not meet the requirements of an exempt material recovery facility and would be required to obtain a solid waste handling permit.

WAC173-350-350 Waste tire storage and transportation.

Observation: Mr. Fillon appears to be violating this regulation: he has numerous tires in one pile, as well as multiple tires scattered throughout the property (Figure 2). Facilities storing waste tire storage in excess of 800 tires or a combined weight 1600 pounds are required to obtain a Waste Tire Storage permit.

WAC173-350-360 Moderate risk waste handling.

Observation: As Mr. Fillon is not discriminating what types of wastes he accepts and does not sort or inspect a load as it is tipped. Mr. Fillon's property may also be classified as a Moderate Risk Waste handling facility. We observed multiple containers of paint stored in a bus, which he stated are "mostly latex" paint. He admits that he may have lead paint and materials coated with lead paint on the property, and does not do testing for lead on received painted materials. (Figure 3)

WAC173-350-400 Limited purpose landfills.

Observation: This may be the most applicable regulation and definition for Mr. Fillon's operation. However, since he does not discriminate on materials accepted, or verify where solid waste is generated from, he may also qualify as a "Municipal solid waste landfill" regulated under 173-351 WAC. Mr. Fillon's operation violates multiple sections of this regulation, including location, design, operation, groundwater monitoring, closure requirements, financial assurance, and permit requirements. We directly observed a portion of the largest pile smoking or off-gassing at a constant rate the whole time we were on the property. There are no controls for methane off-gassing or monitoring of methane levels. This is a grave health concern for surrounding neighbors to this landfill.

WAC173-350-500 Groundwater monitoring.

Observation: As Mr. Fillon is operating an unlined landfill with no environmental controls, groundwater contamination is of special concern. Mr. Fillon has stated he recently took some surface water samples and is willing to share results, and he is open to having Public Health and Ecology on the property for additional sampling.

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Figure 4. Largest "Compost" pile directly to right of Mr. Pilon's house. For reference, the ground that the vehicles are sitting on is the original surface of the property, and the pile is in the distance. This pile is approx. 25 ft. or taller, and Mr. Pilon stated that when he first bought the property you could see the bottom of the tree line that is behind the pile. This is the current, most active area that he has customers dump on. He said that he would either like to sell the "compost" in the future, as well as build a second house on top of this pile once it is fully settled.



Figure 5 Vehicles

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Figure 6 More vehicles



Figure 7 More vehicles

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Figure 8 More vehicles



Figure 9 And some more vehicles. There are many more vehicles than are represented in these photos. Indiscriminate waste mixture in the foreground.

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Figure 10. Vista at the top of the tallest pile. Example of indiscriminate mixture of wastes. Collection of mattresses on top of truck bed in distance.

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Figure 11. This photo is representative of the variety of wastes received at the property.



Figure 12. Pile of asphalt roofing material that he intends to line his driveway up to the largest pile for easier vehicle access

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Figure 13. Water runoff on left side of driveway into road



Figure 14. Significant water runoff from driveway on side of road leading to a tributary to May Creek

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